

1 SUMM

2
3
4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6 MARIA ANTONIETA ESCOBAR-RIVERA,)
7 an individual,)

8 Plaintiff,

9 vs.
10

11 99 CENTS ONLY STORES LLC, a foreign)
12 corporation; DOES I through X; and ROE)
13 ENTITIES I through X,)

14 Defendants.
15

CASE NO.

DEPT. NO.

CASE NO: A-22-858173-C
Department 23

SUMMONS

16 NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST
17 YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
18 READ THE INFORMATION BELOW.

19 99 CENTS ONLY STORES LLC

20
21 TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you for
22 the relief set forth in the Complaint.

23 1. If you intend to defend this lawsuit, within 20 days after this Summons is served on
24 you exclusive of the day of service, you must do the following:

25 a. File with the Clerk of this Court, whose address is shown below, a formal written
26 response to the Complaint in accordance with the rules of the Court.

27 b. Serve a copy of your response upon the attorney whose name and address is
28 shown below.

2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at the direction of:

STEVEN D. GRIERSON, CLERK OF COURT

DAVID A. TANNER, ESQ.
Nevada Bar No. 8282
REZA R. AYAZI, ESQ.
Nevada Bar No. 15495
TANNER LAW FIRM
7895 W. Sunset Road, Suite 115
Las Vegas, NV 89113
david@tannerlawfirm.com
reza@tannerlawfirm.com
Phone (702) 987-8888
Facsimile (702) 410-8070

By: Patricia Azucena Date: 9/19/2022
Deputy Clerk
Elko County Courthouse
200 Lewis Avenue
Las Vegas, Nevada 89155
Patricia Azucena-Preza

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9/9/2022 4:03 PM
Steven D. Grierson
CLERK OF THE COURT



1 **COMP**

2 DAVID A. TANNER, Esq.

3 Nevada Bar No. 8282

4 REZA R. AYAZI, Esq.

5 Nevada Bar No. 15495

6 **TANNER LAW FIRM**

7 7895 W. Sunset Road, Suite 115

8 Las Vegas, NV 89113

9 Telephone (702) 987-8888

10 Facsimile (702) 410-8070

11 david@tannerlawfirm.com

12 reza@tannerlawfirm.com

13 *Attorneys for Plaintiff*

CASE NO: A-22-858173-C

Department 23

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 MARIA ANTONIETA ESCOBAR-RIVERA,)

17 an individual,)

18 Plaintiff,

19 vs.

20 99 CENTS ONLY STORES LLC, a foreign)
21 corporation; DOES I through X; and ROE)
22 ENTITIES I through X,)

23 Defendants.

CASE NO.

DEPT. NO.

COMPLAINT

COMPLAINT

24 COMES NOW, Plaintiff, MARIA ANTONIETA ESCOBAR-RIVERA, by and through
25 her attorneys, David A. Tanner, Esq. and Reza R. Ayazi of the TANNER LAW FIRM, and
26 complains and alleges against Defendants, and each of them, as follows:
27
28

...

...

...

...

THE PARTIES

1
2 1. This Court has jurisdiction over this matter under NRS 14.065 and NRS 4.370(1),
3 as the facts alleged occurred in Clark County, Nevada and involve an amount in controversy in
4 excess of \$15,000.00. Venue is proper pursuant to NRS 13.040, as Defendant, or any one of them
5 resided in Clark County, Nevada at the commencement of this action.

6 2. At all times relevant hereto, Plaintiff, MARIA ANTONIETA ESCOBAR-
7 RIVERA ("Maria" or "Plaintiff"), is and was a resident of Clark County, Nevada.

8 3. At all times relevant hereto, Defendant, 99 CENTS ONLY STORES LLC ("99
9 Cents Only Stores"), is and was a foreign corporation and was licensed to and was conducting
10 business in Clark County, Nevada.

11 4. Plaintiff believes that 99 CENTS ONLY STORES LLC owned, operated,
12 maintained, and managed 99 Cents Only Store, a store located in Clark County, Nevada.

13 5. 99 Cents Only Store is located at 45 North Nellis Boulevard, Las Vegas, Nevada
14 89110.

15 6. The true names and capacities, whether individual, corporate, associate, or
16 otherwise of Defendant Does I through X and Roe Corporations I through X are unknown to
17 Plaintiff at this time, who therefore sues said Defendant by such fictitious names. Plaintiff is
18 informed and believes and therefore alleges that each of the Defendant designated as Does and
19 Roe Entities are responsible in some manner for the events and happenings referred to as alleged
20 herein, whether by actually or have responsibility for creating the hazard, failing to warn of the
21 hazard, owning, managing, maintaining, inspecting, cleaning, supervising, or controlling the
22 premises, or in some other manner as set forth herein. Plaintiff will seek leave of the Court to
23 amend this Complaint to insert the true names and capacities of Does I through X and Roe Entities
24 I through X when the same have been ascertained and to join such Defendants in this action.

GENERAL ALLEGATIONS

25
26 7. On or about January 13, 2021, Plaintiff was at 99 Cents Only Store located at 45
27 North Nellis Boulevard, Las Vegas, Nevada 89110.
28

1 8. Plaintiff was legally on the premises at 99 Cents Only Store at the time of this
2 incident.

3 9. At all times relevant herein, the Defendant was the owner, manager, maintainer,
4 inspector, supervisor, or controller of the premises where Plaintiff was located.

5 10. Plaintiff believes that at all times relevant herein, the Defendant and each of them
6 were the employees or agents of the other Defendant and were acting in the course and scope of
7 their employment or agency.

8 11. While walking down what Plaintiff believes was the detergent aisle, Plaintiff
9 encountered an unknown and unforeseen liquid on the floor causing her to slip and fall causing
10 severe and debilitating injuries to herself.

11 12. Plaintiff believes that Defendant has a policy that 99 Cents Only Store must be
12 routinely inspected, maintained, and cleaned so they are kept safe and in good repair or warnings
13 used to ensure patrons, such as Plaintiff, are not harmed.

14 13. Plaintiff believes that the Defendant understands that a transparent, latent liquid
15 on the floor is a hazardous condition and can lead to a patron being injured.

16 14. On or about January 13, 2021, Defendant negligently failed to maintain, manage,
17 inspect, clean, supervise, control, and repair the premises and further failed to warn Plaintiff of
18 hazards which resulted in Plaintiff's injuries.

19 15. Defendant's personnel did not use warnings to alert patrons, such as Plaintiff, of
20 the hazardous condition.

21 **FIRST CAUSE OF ACTION**
22 **(Negligence)**

23 16. Plaintiff hereby incorporates the allegations set forth above in paragraphs 1
24 through 15 as though fully set forth herein.

25 17. Defendant had a duty to maintain, manage, inspect, clean, supervise, control, and
26 repair the premises and associated equipment to ensure that no hazards existed that could harm a
27 patron. Defendant had a duty to warn of hazards such as liquid on the floor.

1 18. Defendant breached these duties, which breached proximately cause harm to
2 Plaintiff.

3 19. As a result of Defendant's conduct, Plaintiff has suffered damages, and Plaintiff is
4 entitled to damages in excess of \$15,000.00.

5 20. As a result of Defendant's conduct, as set forth herein, Plaintiff has been required
6 to retain the services of an attorney, and, as a direct, natural, and foreseeable consequence thereof,
7 has been damaged thereby, and is entitled to reasonable attorneys' fees and costs.

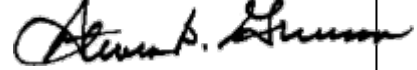
8
9 WHEREFORE, Plaintiff requests that this Court enter judgment against Defendant as
10 follows:

- 11 1. General damages in an amount in excess of \$15,000.00;
- 12 2. Special damages in an amount in excess of \$15,000.00;
- 13 3. Costs of suit and attorneys' fees;
- 14 4. For judgment for interest; and
- 15 5. For such other and further relief as this Court deems just and proper.

16
17 Dated this 1 date of September, 2022

18
19
20 By: 

21 DAVID A. TANNER, Esq.
Nevada Bar No. 8282
22 REZA R. AYAZI, Esq.
Nevada Bar No. 15495
23 **TANNER LAW FIRM**
7895 W. Sunset Road, Suite 115
24 Las Vegas, NV 89113
Telephone (702) 987-8888
25 Facsimile (702) 410-8070
26 david@tannerlawfirm.com
reza@tannerlawfirm.com
27 *Attorneys for Plaintiff*
28



ANS

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

JEFFREY ORR, ESQ.

Nevada Bar No. 7854

HOMERO GONZALEZ, ESQ.

Nevada Bar No. 15231

BRANDON | SMERBER LAW FIRM

139 E. Warm Springs Road

Las Vegas, Nevada 89119

(702) 380-0007

(702) 380-2964 – *facsimile*l.brandon@bsnv.lawj.orr@bsnv.lawh.gonzalez@bsnvlaw.com*Attorneys for Defendant,***99 CENTS ONLY STORES, LLC****DISTRICT COURT
CLARK COUNTY, NEVADA**MARIA ANTONIETA ESCOBAR-RIVERA,
an individual,

Plaintiff,

vs.

CASE NO.: A-22-858173-C

DEPT. NO.: 23

99 CENTS ONLY STORES, LLC a foreign
corporation; DOES I through X; and ROE
ENTITIES I through X,

Defendants.

**DEFENDANT, 99 CENTS ONLY STORES, LLC'S ANSWER TO PLAINTIFF'S
COMPLAINT**

COMES NOW, Defendant, 99 CENTS ONLY STORES, LLC., by and through its attorneys, LEW BRANDON, JR., ESQ., JEFFREY ORR, ESQ., and HOMERO GONZALEZ, ESQ., of BRANDON | SMERBER LAW FIRM, and hereby answers Plaintiff's Complaint on file herein as follows:

THE PARTIES

1. Answering Paragraphs 1, 2, and 6 of Plaintiff's Complaint on file herein, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations and therefore denies same.

2. Answering Paragraph 4 and 5 of Plaintiff's Complaint on file herein, Defendant admits the allegations contained therein. Answering Paragraph 3 of Plaintiff's Complaint on file herein. "At all times relevant hereto, Defendant, 99 CENTS ONLY STORES LLC ("99 Cents Only Stores"), is and was", Defendant admits the allegations contained therein. As to, "a foreign corporation", Defendant denies the allegations contained therein. As to "and was licensed to and was conducting business in Clark County, Nevada." Defendant admits the allegations contained therein.

GENERAL ALLEGATIONS

3. Answering Paragraphs 7, 8, 9, 10, 11, 12, 13 and 15 of Plaintiff's Complaint on file herein, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations and therefore denies same.

4. Answering Paragraphs 14 of Plaintiff's Complaint on file herein, Defendant denies each and every allegation contained therein.

FIRST CAUSE OF ACTION
(Negligence)

5. Answering Paragraph 16 of Plaintiff's Complaint on file herein, Defendant repeats and realleges each and every allegation contained in Paragraphs 1 through 15 as though fully set forth herein.

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6. Answering Paragraph 17 of Plaintiff's Complaint on file herein, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations and therefore denies same.

7. Answering Paragraphs 18, 19 and 20 of Plaintiff's Complaint on file herein, Defendant denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim against Defendant upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant alleges that at the time and place alleged in Plaintiff's Complaint, Plaintiff did not exercise ordinary care, caution or prudence for the protection of herself and any damages complained of by the Plaintiff in her Complaint, were directly or proximately caused or contributed to by the fault, failure to act, carelessness and negligence of Plaintiff.

THIRD AFFIRMATIVE DEFENSE

Defendant alleges that the Plaintiff assumed whatever risk or hazard existed at the time of this incident, if any there were, and was therefore responsible for the alleged damage suffered and further that the Plaintiff was guilty of negligence of her own acts which caused or contributed to by the fault, failure to act, carelessness or negligence of Plaintiff.

FOURTH AFFIRMATIVE DEFENSE

All the risks and dangers involved in the factual situation described in Plaintiff's Complaint, if any there were, were open, obvious and known to the Plaintiff and by reason thereof, Plaintiff assumed the risks and dangers inherent thereto.

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FIFTH AFFIRMATIVE DEFENSE

Defendant alleges that the negligence of the Plaintiff exceeded that of the Defendant, and that the Plaintiff is thereby barred from recovery.

SIXTH AFFIRMATIVE DEFENSE

Pursuant to NRCP 11, as amended: All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer, and therefore, Defendant reserves the right to amend this Answer to allege additional affirmative defenses if subsequent investigation warrants.

SEVENTH AFFIRMATIVE DEFENSE

The damages sustained by Plaintiff, if any, were caused by the acts of third persons who were not agents, servants or employees of this answering Defendant and who were not acting on behalf of this answering Defendant in any manner or form and as such, this Defendant is not liable in any matter to the Plaintiff.

EIGHTH AFFIRMATIVE DEFENSE

Defendant at all times relevant to the allegations contained in Plaintiff's Complaint, acted with due care and circumspection in the performance of any and all duties imposed on it.

NINTH AFFIRMATIVE DEFENSE

That it has been necessary of the Defendant to employ the services of an attorney to defend the action and a reasonable sum should be allowed Defendant for attorney's fees, together with costs of suit incurred herein.

TENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate her alleged damages, and, to the extent of such failure to mitigate any damages awarded to Plaintiff, should be reduced accordingly.

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ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by applicable statutes of limitations.

TWELFTH AFFIRMATIVE DEFENSE

Defendant objects as to authentication, foundation and genuineness of all of Plaintiff's medical providers and documents listed or presented by Plaintiff.

WHEREFORE, Defendant, 99 CENTS ONLY STORES, LLC., prays as follows:

1. That Plaintiff take nothing by way of her Complaint on file herein;
2. For reasonable attorney's fees and costs of suit incurred herein;
3. For such other and further relief as the Court may deem just and proper in the premises.

DATED this 30th day of September, 2022.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

JEFFREY ORR, ESQ.

Nevada Bar No. 7854

HOMERO GONZALEZ, ESQ.

Nevada Bar No. 15231

139 E. Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

99 CENTS ONLY STORES, LLC

BRANDON | SMERBER
LAW FIRM
139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T: 702.380.0007 | F: 702.380.2964

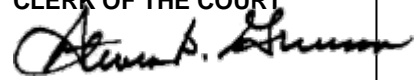
CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I hereby certify that on September 30, 2022, I served the foregoing
DEFENDANT, 99 CENTS ONLY STORES, LLC'S ANSWER TO PLAINTIFF'S
COMPLAINT through the Court's ECF electronic filing system, upon the following:

DAVID A. TANNER, ESQ.
Nevada Bar No. 8282
REZA R. AYAZI, ESQ.
Nevada Bar No. 15495
TANNER LAW FIRM
7895 West Sunset Road, Suite 115
Las Vegas, NV 89113
(702) 987-8888
Facsimile (702) 410-8070
Attorneys for Plaintiff,
MARIA ANTONIETA ESCOBAR-RIVERA

/s/ Maybelline Valle
An Employee of Brandon | Smerber Law Firm

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Steven D. Grierson
CLERK OF THE COURT



DMJT
LEW BRANDON, JR., ESQ.
Nevada Bar No. 5880
JEFFREY ORR, ESQ.
Nevada Bar No. 7854
HOMERO GONZALEZ, ESQ.
Nevada Bar No. 15231
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j.orr@bsnv.law
h.gonzalez@bsnvlaw.com
Attorneys for Defendant,
99 CENTS ONLY STORES, LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARIA ANTONIETA ESCOBAR-RIVERA,
an individual,

Plaintiff,

vs.

99 CENTS ONLY STORES, LLC a foreign
corporation; DOES I through X; and ROE
ENTITIES I through X,

Defendants.

CASE NO.: A-22-858173-C
DEPT. NO.: 23

DEMAND FOR JURY TRIAL

COMES NOW, Defendant, 99 CENTS ONLY STORES LLC., by and through its attorney
of record, LEW BRANDON, JR., ESQ., JEFFREY ORR, ESQ., and HOMERO GONZALEZ,
ESQ., of BRANDON | SMERBER LAW FIRM, and hereby demands a Jury Trial in the above-

///

///

///

entitled action.

DATED this 30th day of September, 2022.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

JEFFREY ORR, ESQ.

Nevada Bar No. 7854

HOMERO GONZALEZ, ESQ.

Nevada Bar No. 15231

139 E. Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

99 CENTS ONLY STORES, LLC

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on September 30, 2022, I served a true and correct copy of the foregoing **DEMAND FOR JURY TRIAL** through the Court's ECF electronic filing system, upon the following:

DAVID A. TANNER, ESQ.

Nevada Bar No. 8282

REZA R. AYAZI, ESQ.

Nevada Bar No. 15495

TANNER LAW FIRM

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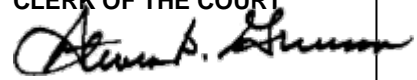
Attorneys for Plaintiff,

MARIA ANTONIETA ESCOBAR-RIVERA

/s/ Maybelline Valle

An Employee of Brandon | Smerber Law Firm

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DSST
LEW BRANDON, JR., ESQ.
Nevada Bar No. 5880
JEFFREY ORR, ESQ.
Nevada Bar No. 7854
HOMERO GONZALEZ, ESQ.
Nevada Bar No. 15231
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(702) 380-2964 – *facsimile*
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j.orr@bsnv.law
h.gonzalez@bsnvlaw.com
Attorneys for Defendant,
99 CENTS ONLY STORES, LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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an individual,

Plaintiff,

vs.

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ENTITIES I through X,

Defendants.

CASE NO.: A-22-858173-C
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DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1

The undersigned counsel of record for Defendant, 99 CENTS ONLY STORES LLC,
hereby certifies that to their knowledge, Defendant, 99 CENTS ONLY STORES LLC, is a
limited liability company with no publicly held company owning ten percent (10%) or more of
99 CENTS ONLY STORES LLC.

///

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

**BRANDON | SMERBER
LAW FIRM**

There are no other known interested parties other than those identified.

DATED this 30th day of September, 2022.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

JEFFREY ORR, ESQ.

Nevada Bar No. 7854

HOMERO GONZALEZ, ESQ.

Nevada Bar No. 15231

139 E. Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

99 CENTS ONLY STORES, LLC

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on September 30, 2022, I served a true and correct copy of the foregoing **DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1** through the Court's ECF electronic filing system, upon the following:

DAVID A. TANNER, ESQ.

Nevada Bar No. 8282

REZA R. AYAZI, ESQ.

Nevada Bar No. 15495

TANNER LAW FIRM

7895 West Sunset Road, Suite 115

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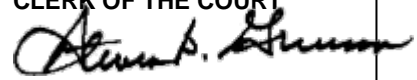
Attorneys for Plaintiff,

MARIA ANTONIETA ESCOBAR-RIVERA

/s/ Maybelline Valle

An Employee of Brandon | Smerber Law Firm

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CLERK OF THE COURT



CSRE
LEW BRANDON, JR., ESQ.
Nevada Bar No. 5880
JEFFREY ORR, ESQ.
Nevada Bar No. 7854
HOMERO GONZALEZ, ESQ.
Nevada Bar No. 15231
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j.orr@bsnv.law
h.gonzalez@bsnvlaw.com
Attorneys for Defendant,
99 CENTS ONLY STORES, LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARIA ANTONIETA ESCOBAR-RIVERA,
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99 CENTS ONLY STORES, LLC a foreign
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Defendants.

CASE NO.: A-22-858173-C
DEPT. NO.: 23

**CONSENT TO SERVICE BY ELECTRONIC MEANS THROUGH E-FILING
PROGRAM**

The undersigned parties hereby consent to service of documents by electronic means through the Court's e-filing program on behalf of the following parties: 99 CENTS ONLY STORES LLC.

Documents served by electronic means must be transmitted to the following persons at the e-mail addresses listed: l.brandon@bsnv.law; j.orr@bsnv.law; and h.gonzalez@bsnv.law

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

**BRANDON | SMERBER
LAW FIRM**

1 It is my understanding that the attachments may be transmitted to the program in any
2 format and will be converted to a PDF file before service is effected.

3 The undersigned also acknowledges that this Consent does not require service by
4 electronic means unless the serving party elects to do so.

5
6 DATED this 30th day of September, 2022.

7 **BRANDON | SMERBER LAW FIRM**

8 /s/ Lew Brandon, Jr., Esq.

9 **LEW BRANDON, JR., ESQ.**

10 Nevada Bar No. 5880

11 **JEFFREY ORR, ESQ.**

12 Nevada Bar No. 7854

13 **HOMERO GONZALEZ, ESQ.**

14 Nevada Bar No. 15231

15 139 E. Warm Springs Road

16 Las Vegas, Nevada 89119

17 *Attorneys for Defendant,*

18 *99 CENTS ONLY STORES, LLC*

19 **CERTIFICATE OF SERVICE**

20 Pursuant to Nev. R. Civ. P. 5(b), I certify that on September 30, 2022, I served a true and
21 correct copy of the foregoing **CONSENT TO SERVICE BY ELECTRONIC MEANS**
22 **THROUGH E-FILING PROGRAM** through the Court's ECF electronic filing system, upon
23 the following:

24 **DAVID A. TANNER, ESQ.**

25 Nevada Bar No. 8282

26 **REZA R. AYAZI, ESQ.**

27 Nevada Bar No. 15495

28 **TANNER LAW FIRM**

7895 West Sunset Road, Suite 115

Las Vegas, NV 89113

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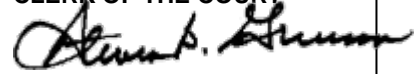
Attorneys for Plaintiff,

MARIA ANTONIETA ESCOBAR-RIVERA

/s/ Maybelline Valle

An Employee of Brandon | Smerber Law Firm

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Steven D. Grierson
CLERK OF THE COURT



1 **REQT**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
4 **JEFFREY ORR, ESQ.**
5 Nevada Bar No. 7854
6 **HOMERO GONZALEZ, ESQ.**
7 Nevada Bar No. 15231
8 **BRANDON | SMERBER LAW FIRM**
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12 (702) 380-2964 – *facsimile*
13 l.brandon@bsnv.law
14 j.orr@bsnv.law
15 h.gonzalez@bsnvlaw.com
16 *Attorneys for Defendant,*
17 *99 CENTS ONLY STORES, LLC*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

13 MARIA ANTONIETA ESCOBAR-RIVERA,
14 an individual,

15 Plaintiff,

16 vs.

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18 corporation; DOES I through X; and ROE
19 ENTITIES I through X,

20 Defendants.

CASE NO.: A-22-858173-C
DEPT. NO.: 23

**NRCP 16.1(A)(1)(C) REQUEST FOR COMPUTATION OF DAMAGES AND
DISCLOSURE OF SUPPORTING DOCUMENTS AND NRCP 16.1(a)(1)(A)(iii)
REQUEST FOR MEDICAL PROVIDER IDENTITY**

24 Pursuant to NRCP 16.1(a)(1)(C), Defendant, 99 CENTS ONLY STORES LLC., hereby requests
25 that Plaintiff, MARIA ANTONIETA ESCOBAR-RIVERA, provide, within 30 days of this
26 Request, a computation of any and all categories of damages claimed by Plaintiff, including
27 making available for inspection and copying as under Rule 34 the documents or other evidentiary
28

1 matter, not privileged or protected from disclosure, on which such computation is based, including
2 materials bearing on the nature and extent of injuries suffered.

3 DATED this 30th day of September, 2022.

4 **BRANDON | SMERBER LAW FIRM**

5 /s/ Lew Brandon, Jr., Esq.

6 **LEW BRANDON, JR., ESQ.**

7 Nevada Bar No. 5880

8 **JEFFREY ORR, ESQ.**

9 Nevada Bar No. 7854

10 **HOMERO GONZALEZ, ESQ.**

11 Nevada Bar No. 15231

12 139 E. Warm Springs Road

13 Las Vegas, Nevada 89119

14 *Attorneys for Defendant,*

15 *99 CENTS ONLY STORES, LLC*

16 **CERTIFICATE OF SERVICE**

17 Pursuant to Nev. R. Civ. P. 5(b), I certify that on September 30, 2022, I served a true and
18 correct copy of the foregoing **NRCP 16.1(A)(1)(C) REQUEST FOR COMPUTATION OF**
19 **DAMAGES AND DISCLOSURE OF SUPPORTING DOCUMENTS AND NRCP**
20 **16.1(a)(1)(A)(iii) REQUEST FOR MEDICAL PROVIDER IDENTITY** through the Court's
21 ECF electronic filing system, upon the following:

22 **DAVID A. TANNER, ESQ.**

23 Nevada Bar No. 8282

24 **REZA R. AYAZI, ESQ.**

25 Nevada Bar No. 15495

26 **TANNER LAW FIRM**

27 7895 West Sunset Road, Suite 115

28 Las Vegas, NV 89113

(702) 987-8888

Facsimile (702) 410-8070

Attorneys for Plaintiff,

MARIA ANTONIETA ESCOBAR-RIVERA

/s/ Maybelline Valle

An Employee of Brandon | Smerber Law Firm


ABREA

DAVID A. TANNER, Esq.

Nevada Bar No. 8282

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david@tannerlawfirm.comreza@tannerlawfirm.com*Attorneys for Plaintiff***DISTRICT COURT****CLARK COUNTY, NEVADA**MARIA ANTONIETA ESCOBAR-RIVERA,
an individual,

Plaintiff,

vs.

99 CENTS ONLY STORES LLC, a foreign
corporation; DOES I through X; and ROE
ENTITIES I through X,

Defendants

CASE NO.: A-22-858173-C

DEPT. NO.: XXIII

**PETITION FOR EXEMPTION FROM
ARBITRATION****PETITION FOR EXEMPTION FROM ARBITRATION**

Plaintiff, MARIA ANTONIETA ESCOBAR-RIVERA, hereby requests the above-entitled matter be exempted from arbitration pursuant to Nevada Arbitration Rules 3 and 5, because this case involves an amount in issue in excess of \$50,000.00, exclusive of interest and costs.

1 A summary of the facts which support the contention for exemption are as follows:

2 On or about January 13, 2021, Ms. Escobar-Rivera was at the 99 Cent Only store located
3 at 45 N. Nellis Blvd., Las Vegas, NV 89110. While walking down what Plaintiff believes was the
4 detergent aisle, Ms. Escobar-Rivera encountered an unknown and unforeseen trail of liquid on
5 the floor causing her to slip and fall causing severe and debilitating injuries to herself.

6 Following Plaintiff's January 13, 2021 incident, Ms. Escobar-Rivera went to Sunrise
7 Hospital for foot, hip, knee pain, right upper extremity pain and neck pain. On January 14, 2021,
8 until May 13, 2021 Ms. Escobar-Rivera treated with Neck and Back clinic for multiple visits a
9 week. Plaintiff was referred to a pain management specialist and saw him on March 29, 2021
10 complaining of neck and back pain, right shoulder, wrist and knee pain. Plaintiff received
11 injections in her neck and back on April 7, 2021 and April 14, 2021. Due to continued wrist pain
12 Plaintiff met with an orthopedic doctor on June 9, 2021 and again on July 7, 2021. Plaintiff had
13 wrist surgery on March 25, 2022. Ms. Escobar-Rivera continues to experience pain and is
14 following up with an orthopedic doctor who has recommended shoulder surgery and is pending
15 medical clearance.

16 Due to Ms. Escobar-Rivera's significant injuries, to date she has incurred the following
17 medical expenses:

18	1. American Medical Response	\$1,242.92
19	2. Extremities Surgical Institute	\$139,786.00
20	3. Fremont Emergency Services Mandavia	\$1,428.00
21	4. Injury Center of Nevada	\$2,050.00
22	5. Nevada Orthopedic & Spine Center	\$840.00
23	6. OrthoCor Medical	\$6,000.00
24	7. Radiology Specialists, LTD	\$291.00
25	8. SimonMed Imaging	\$8,925.75
26	9. Sunrise Hospital	\$15,634.00
27	10. The Neck and Back Clinic	\$14,205.00
28	11. Velazquez Pain Relief Center	\$14,245.00

TOTAL: \$204,647.67

Ms. Escobar-Rivera will seek compensation for her past and future pain and suffering,
loss of household services, and loss of enjoyment of life.

1 Based upon the foregoing, Plaintiff requests that this matter be exempted from the
2 Arbitration Program.

3 I hereby certify pursuant to NRCP 11 this case to be within the exemption stated above
4 and am aware of the sanctions which may be imposed against any attorney or party who, without
5 good cause or justification, attempts to remove a case from the Arbitration Program.

6
7 Dated this 4 date of October, 2022.

8
9
10 By: 

11 DAVID A. TANNER, Esq.
12 Nevada Bar No. 8282
13 **TANNER LAW FIRM**
14 7895 West Sunset Road, Suite 115
15 Las Vegas, NV 89113
16 Telephone (702) 987-8888
17 *Attorney for Plaintiff*
18
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28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the law firm of TANNER LAW FIRM
and that on the 4 day of October, 2022, I served the above and foregoing **PETITION
FOR EXEMPTION FROM ARBITRATION** by Electronic Service to the following:

Lew Brandon, Jr., Esq.

Nevada Bar No. 5880

Jeffrey Orr, Esq.

Nevada Bar No. 7854

Homero Gonzalez, Esq.

Nevada Bar No. 15231

BRANDON | SMERBER LAW FIRM

139 E. Warm Springs Rd.

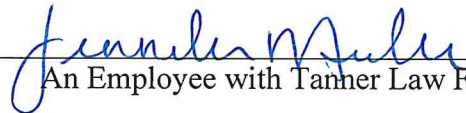
Las Vegas, NV 89119

(702) 380-0007: office

(702) 380-2964: facsimile

Attorneys for Defendant

99 Cents Only Stores, LLC


An Employee with Tanner Law Firm